

REMARKS

STATUS OF THE CLAIMS

Claims 1-7 were pending in this application. Claims 1-3 have been withdrawn; claims 4-6 have been cancelled without prejudice. Claim 7 has been amended. New claims 8-20 have been added. Following entry of the amendments claims 7-20 will be pending and at issue.

SUPPORT FOR AMENDMENTS TO THE CLAIMS

Claim 7 has been amended and new claims 8-20 have been added to more clearly recite Applicant's invention. Support for the amendments can be found throughout the specification as filed, e.g., the claims as originally filed; page 8, paragraphs 17 and 18; and page 6, paragraph 10.

The amendments to the claims therefore add no new matter and entry is respectfully requested.

ELECTION/RESTRICTION REQUIREMENT

In the 10/27/2005 Office Action, the Examiner required restriction to one of two inventions:

Group I. claims 1-3, drawn to DNA

Group II. claims 4-7, drawn to methods of amplifying DNA.

In response to the restriction requirement of I and II, Applicant elects Group II, claims 7-20 without traverse. Applicant believes new claims 8-20 fall into Group II. If the Examiner decides that the kit claims 17-20 should be restricted into a further group, Applicant requests a telephonic interview, and provisionally elects Group II, claims 7-16.

The Examiner also required restriction to a single SEQ ID NO. Applicant believes that this requirement is moot with respect to the claims as amended herein. The pending claims are method claims requiring the detection of both of 2 sequences, SEQ ID NO:4 and SEQ ID NO:8, as recited in claim 7. Claims 8-20 ultimately depend on claim 7; all require detection of both SEQ ID NO:4 and SEQ ID NO:8. Claim 9 recites a specific group of primer/probe sets to be used in the method for detection of both sequences. Claim 11 recites an

additional group of primer/probe sets to be used to be used in the method for detection of other sequences in addition to SEQ ID NO:4 and SEQ ID NO:8.

It is possible that Examiner will feel that a species election is required and that Claim 7 is genus method claim that links species of the method, e.g., the methods recited in claims 9, 10, and 12. If so, Applicant provisionally elects species claim 9, and identifies claim 7 as the generic, linking claim. Any restriction requirement among the linked method claims should be subject to the non-allowance of the linking claim, e.g., genus claim 7. Upon the allowance of linking claim 7, the restriction requirement as to the species method claims should be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claim should be entitled to examination in the instant application.

CONCLUSION

Entry of the amendments and examination of the claims is respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicant's representative at (925) 422-7073.

Respectfully submitted,

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